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09/970,487	10/03/2001	Nikolai K.N. Leung	PA010556	1159
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QUALCOMM, INC 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			NG, CHRISTINE Y	
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			2663	

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/970,487

Applicant(s)

LEUNG ET AL.

Examiner

Christine Ng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 17, 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 14-16, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6-8, 11, 13 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 6, it is unclear why the step of "extracting the broadcast message" (line 5) is performed when the subsequent steps of "compressing..." (line 7), "applying..." (line 8), "encapsulating..." (line 9), and "encapsulating..." (line 10) is performed on the Internet Protocol packet.

Referring to claim 7, it is unclear why the broadcast message is decompressed (line 2), when the Internet Protocol packet was compressed in claim 6, line 7.

Claim 8 recites the limitation "encapsulating the extracted broadcast message" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Referring to claim 11, it is unclear whether the packet service data node compresses the Internet Protocol packet and applies a framing protocol to produce a compressed framed packet (according to claim 10) or compresses the broadcast message and frames the compressed broadcast message (according to claim 11).

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Referring to claims 13 and 17, it is unclear what the difference is between the "multicast address" (line 4) and the "multicast Internet Protocol address" (lines 9-10).

Referring to claims 13 and 17, the claims claim "means for encapsulating the compressed framed packet according to a multicast Internet Protocol address (lines 9-10). However, this is not supported by the specification. The specification states that the compressed framed packet is encapsulated by a GRE protocol, and the resulting GRE packet is further encapsulated according to a MC IP. Therefore, the compressed framed packet with the routing protocol (GRE) is encapsulated with the multicast Internet Protocol address, not just the compressed framed packet. Refer to Specifications, page 16, lines 24-30.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,751,218 to Hagirahim et al.

Referring to claim 1, Hagirahim et al disclose in Figure 1 a wireless communication system (Column 9, lines 54-57) supporting broadcast

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transmissions, the system having a broadcast source node (source IP gateway 21 connected to content server 27) and at least one termination node (destination IP gateway 21), at least one router (routers 13) coupled between the source node and the at least one termination node. Refer to Column 2, lines 7-32. The method for setting up transmission paths comprises:

Determining (Figure 2, steps S1-S3) a transmission range for a broadcast transmission within the system. Source IP gateway 21 sends a Multicast Initiating Address MIA to controller 31 to determine the participants of the multicast service using ATM/IP address pairs. Refer to Column 3, lines 19-38 and Column 4, lines 18-49.

Building (Figure 2, Steps S4-S8) a multicast tree from a first termination node to the broadcast source node, the multicast tree including the at least one router. After determining ATM/IP address pairs, "of the IP gateways, those having the IP addresses in the ATM/IP pairs, request routers to attach the IP host gateways to the multicast and thus form the multicast group of tree". Refer to Column 3, lines 39-56 and Column 4, line 65 to Column 5, line 32.

Transmitting (Figure 2, Step S9) a broadcast message through the multicast tree over the transmission range. Refer to Column 5, lines 33-39.

Referring to claim 2, Hagirahim et al disclose that building a multicast tree comprises successively registering with neighboring multicast routers (routers 13) between the first termination node (destination IP gateway 21) and the broadcast source node (source IP gateway 21). Connections are established

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when “one or more of each of the routers 13 in the IP backbone 11 is associated with each IP gateway 21”. Refer to Column 3, lines 39-44.

Referring to claim 3, Hagirahim et al disclose that transmitting the broadcast message comprises:

Receiving the broadcast message at the broadcast source (source IP gateway 21). “The IP multicast data is then encapsulated in ATM cells at the source with an IP and sent to the gateway 21” (Column 3, lines 47-49).

In response to receiving the broadcast message, the broadcast source encapsulating the broadcast message in an Internet Protocol packet to form a multicast Internet Protocol packet. “At the gateway 21 each of the ATM cells is encapsulated in an IP multicast packet with an IP Multicast Assigned Address and sent to the IP backbone 11” (Column 3, lines 49-52).

Referring to claim 9, Hagirahim et al disclose in Figure 1 an infrastructure element (source IP gateway 21) for generating Internet Protocol packets in a transmission system supporting broadcast transmissions, the infrastructure element comprising:

Means (Figure 2, Steps S1-S3) for determining a broadcast transmission range. Source IP gateway 21 sends a Multicast Initiating Address MIA to controller 31 to determine the participants of the multicast service using ATM/IP address pairs. Refer to Column 3, lines 19-38 and Column 4, lines 18-49.

Means for generating an Internet Protocol packet, the Internet Protocol

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packet having a multicast address. "At the gateway 21 each of the ATM cells is encapsulated in an IP multicast packet with an IP Multicast Assigned Address and sent to the IP backbone 11" (Column 3, lines 49-52).

Means for transmitting the Internet Protocol packet. "The IP packets are routed to the IP host gateways over the IP backbone" (Column 3, lines 53-54).

5. Claim 20 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,781,999 to Eyuboglu et al.

Eyuboglu et al disclose in Figure 8 a communication path for processing broadcast messages in a wireless communication system, comprising:

A first multicast tree portion (IP core network to PDSN 100), wherein the broadcast message is transmitted addressed to a multicast Internet Protocol address. PDSN 100 receives multicast traffic from IP core network. Refer to Column 9, lines 22-23.

A second multicast tree portion (PDSN 100 to RNC 124,128), wherein the broadcast message is transmitted addressed to a multicast Internet Protocol address. "When the PDSN receives an IP packet that belongs to a multicast group, it encapsulates it in a Simple Link Layer frame, and sends it over these multicast A10 tunnels to RNC's that serve members of that multicast group" (Column 9, lines 23-33).

A third portion (RNC 124,128 to RN 160,162), wherein the broadcast message is transmitted addressed to at least one unicast address. "When the RNC serves users from several Radio Node's 160,162, it tunnels unicast copies

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of the air link frames carrying the IP packets to all these RN's." (Column 10, lines 41-43). Refer to Column 10, lines 11-31..

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,751,218 to Hagirahim et al in view of U.S. Patent No. 6,781,999 to Eyuboglu et al.

Hagirahim et al disclose in Figure 5 that the multicast Internet Protocol packet (121) identifies a multicast Internet Protocol address as a destination (131). The IP_M_Assigned field is the address of the multicast group. Refer to Column 3, lines 36-38 and Column 7, lines 6-10.

Hagirahim et al do not disclose that the multicast Internet Protocol packet identifies the broadcast source as a source.

Eyuboglu et al disclose that multicast IP packets have source addresses identifying the sender of the IP packet. Refer to Column 7, lines 40-59.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made include that the multicast Internet Protocol packet identifies the broadcast source as a source; the motivation being in order to more

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easily identify a path from the source to the destination nodes through the network.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,751,218 to Hagirahim et al in view of U.S. Patent No. 6,781,999 to Eyuboglu et al, and in further view of U.S. Patent No. 6,895,216 to Sato et al.

Hagirahim et al disclose that transmitting the broadcast message comprises receiving the multicast Internet Protocol packet at the first termination Point (destination IP gateway 21).

Hagirahim et al do not disclose that in response to receiving the multicast Internet Protocol packet the first termination point compresses the multicast Internet Protocol packet to form a compressed packet.

Sato et al disclose compressing multicast information to several wireless terminals in accordance with a transmission rate. Refer to Column 11, lines 42-52. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include that in response to receiving the multicast Internet Protocol packet the first termination point compresses the multicast Internet Protocol packet to form a compressed packet; the motivation being that in case transmission rate is low, compressing the multicast information allows more information to be transmitted per unit time; thereby saving bandwidth and processing time.

Hagirahim et al also do not specifically disclose encapsulating the compressed packet in an Internet Protocol packet to form a compressed packet.

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However, the system disclosed by Hagirahim et al utilizes IP encapsulation of ATM cells.

Hagirahim et al also do not disclose the compressed packet identifying the first termination point as a source. Refer to the rejection of claim 4.

9. Claims 10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,781,999 to Eyuboglu et al in view of U.S. Patent No. 6,801,508 to Lim, and in further view of U.S. Patent No. 6,895,216 to Sato et al.

Referring to claim 10, Eyuboglu et al disclose in Figure 8 a wireless communication system for processing broadcast transmissions in a wireless communication system, the system comprising:

A packet service data node (PDSN 100) adapted to receive a broadcast message. Refer to Column 2, lines 41-58 and Column 9, lines 22-23.

A radio network controller (RNC 124,128) adapted to receive the broadcast message, the broadcast message encapsulated in an Internet Protocol packet addressed to a multicast address. "When the PDSN receives an IP packet that belongs to a multicast group, it encapsulates it in a Simple Link Layer frame, and sends it over these multicast A10 tunnels to RNC's that serve members of that multicast group". Refer to Column 5, lines 38-43 and Column 9, lines 22-33.

Wherein a framing protocol (Simple Link Layer Protocol) is applied to the Internet Protocol packet, wherein the framed Internet Protocol packet (Figure 10, link layer frame carrying IP multicast packet 140) has been encapsulated with a

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routing protocol (A10 Tunnel ID for forwarding over multicast A10 tunnels).

"When the PDSN receives an IP packet that belongs to a multicast group, it encapsulates it in a Simple Link Layer frame, and sends it over these multicast A10 tunnels to RNC's that serve members of that multicast group". The RNC's can determine from the A10 Tunnel ID the multicast group that the packet belongs to. Refer to Column 9, lines 6-10 and 22-40; and Column 10, lines 11-16.

Eyuboglu et al do not disclose that the *radio network controller* is a *packet control function node*.

Lim discloses in Figure 4 that a RNC (radio network controller) performs the same functions as a packet control function PCF node (RNC/PCF 121,122,123). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include that the *radio network controller* is a *packet control function node*; the motivation being that a RNC performs the same functions in a circuit switched environment as a PCF in a packet data environment.

Eyuboglu et al do not disclose that the Internet Protocol packet has been compressed.

Sato et al disclose compressing multicast information to several wireless terminals in accordance with a transmission rate. Refer to Column 11, lines 42-52. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include that the packet service data node compresses the broadcast message and frames the compressed broadcast

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message; the motivation being that in case transmission rate is low, compressing the multicast information allows more information to be transmitted per unit time; thereby saving bandwidth and processing time.

Referring to claim 12, Eyuboglu et al disclose that the packet control function node (RNC 124,128) processes the broadcast message and forwards the broadcast message to an intended recipient. The RNC 124,128 forwards an incoming multicast packet to those sectors that have a member in that multicast group. Refer to Column 10, lines 52-55 and Column 11, lines 49-52.

10. Claim 21 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,781,999 to Eyuboglu et al in view of U.S. Patent No. 6,801,508 to Lim.

Eyuboglu et al disclose that the first multicast tree portion is formed between a content source (IP core network) and a packet data service node (PDSN 100), the second multicast tree portion is formed between the packet data service node (PDSN 100) and a *radio network controller* (RNC 124,128), and the third portion is formed from the *radio network controller* (RNC 124,128) to the base station (connected to RN 160,162).

Eyuboglu et al do not disclose that the *radio network controller* is a *packet control function node*.

Lim discloses in Figure 4 that a RNC (radio network controller) performs the same functions as a packet control function PCF node (RNC/PCF 121,122,123). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include that the *radio network*

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controller is a *packet control function node*; the motivation being that a RNC performs the same functions in a circuit switched environment as a PCF in a packet data environment.

Allowable Subject Matter

11. Claims 14-16, 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

12. Applicant's arguments filed December 16, 2005 have been fully considered but they are not persuasive.

Referring to the argument of independent claims 1 and 9 that Hagirahim et al do not disclose determining a transmission range for a broadcast transmission within the system (page 7, line 18 to page 8, line 32): Source IP gateway 21 sends a Multicast Initiating Address MIA to controller 31 to determine the participants of the multicast service using ATM/IP address pairs. The MIA is a pointer to a lookup table 51 in the controller 31 causing the controller 31 to furnish the source IP gateway 21 with a number of pairs of ATM/IP addresses for that multicast service, which includes all the parties 22 associated with the multicast service. Refer to Column 3, lines 19-38 and Column 4, lines 18-64. All the parties 22 associated with a MIA reads on the claimed "transmission range", since a transmission range defines all the parties that will receive a multicast message. The source IP gateway 21 must know the addresses of all

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the parties 22 in order to send the message to all members of the multicast service.

Referring to the argument of claim 20 that Euyboglu et al do not disclose a multicast tree portion (page 9, line 22 to page 10, line 3): Figure 8 shows a multicast tree from an IP core network to PDSN 100, from PDSN 100 to RNC's 124,128, from RNC's 124,128 to RN's 160,162, and finally from RN's 160,162 to the destination mobile terminals 164. Therefore, each step of the process forms a portion of the multicast tree. So, a first multicast tree portion is from IP core network to PDSN 100 and a second multicast tree portion is from PDSN 100 to RNC 124,128.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will


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the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine Ng whose telephone number is (571) 272-3124. The examiner can normally be reached on M-F; 8:00 am - 5:00 pm.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


C. Ng
February 28, 2006


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